

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ROBERT D. SAJEWSKI

§

VS.

§

CIVIL ACTION NO. 1:10-CV-162

HOPKINS COUNTY HOSPITAL, ET AL.

§

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Robert D. Sajewski, a prisoner currently confined at the Larry Gist State Jail, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Hopkins County Hospital and an unidentified doctor.

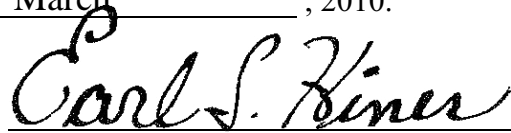
Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains about his medical treatment at Hopkins County Hospital. Hopkins County is located in the Sherman Division of the United States District Court for the Eastern District of Texas. However, this case was filed in the Beaumont Division. The court has considered the circumstances and has determined that the interests of justice would best be served if the complaint were transferred to the division in which the claim arose. Therefore, the case should be transferred to the Sherman Division of the Eastern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this 24 day of March, 2010.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

EARL S. HINES

UNITED STATES MAGISTRATE JUDGE